

REMARKS

This is a first Office Action on the merits.

Specification

The specification has been amended to correct the following informalities. In paragraph [0001], first sentence, the specification has been amended to reflect the issuance of the parent application 09/759,117 as USPN No. 6,638,622.

Applicant notes that, beginning with the second claim 13, claims 13-20 have been renumbered to claims 14-21, respectively and that the renumbered claims are used in the subject Office Action.

Claim Rejections - 35 USC § 112

Applicant responds to the rejection of claims 15 and 16 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, by amending claim 14 to recite “an extraction process” and then amending claims 15 and 16 to refer to “the extraction process.” Applicant argues that the amendments to claims 15 and 16 provide sufficient antecedent basis for the limitation “the extraction process” in those claims and that the rejection of claims 15 and 16 under 35 USC § 112 should be withdrawn.

Claim Rejections - 35 USC § 102

Although applicant is not in agreement with the basis for examiner’s rejection of claims 20 and 21 under 35 USC § 102 (a), in the interest of expediting the prosecution of the subject application, applicant elects, without prejudice, to cancel claims 20 and 21. Applicant reserves the right to pursue the subject matter of claims 20 and 21 in a further application, whether by continuation, continuation-in part or other manner.

Therefore the rejection of claims 20 and 21 in this application under 35 USC § 102 as being anticipated by Doan et al. is no longer a barrier to the allowance of the subject application.

Claim Objections

Applicant has responded to the informalities created by the renumbering of claims 14-21 by amending the claim dependencies to reflect such renumbering per Rule 1.126.

Allowable Subject Matter

Applicant notes the statement of reasons for the indication of allowable subject matter.

CONCLUSION

Applicant has fully addressed all of the objections of the Examiner as set forth in this response to the outstanding Office Action. Applicant believes that such response has placed the subject application in a form suitable for allowance and respectfully requests that allowance be granted and that the subject application be permitted to pass to issue.

Respectfully submitted,



Harry G. Thibault
Registration No. 26,347

Reed Intellectual Property Law Group
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile